



**DEPARTMENT OF THE ARMY**  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
PIEDMONT BRANCH  
1590 ADAMSON PARKWAY, SUITE 200  
MORROW, GEORGIA 30260-1777

**JUN 27 2007**

Regulatory Division  
200700677

**JOINT PUBLIC NOTICE**  
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200700677

Applicant: CBL Associates Properties, Inc.  
Attention: Mr. David Neuhoff  
2030 Hamilton Place Boulevard, Suite 500  
Chattanooga, Tennessee 37421

Agent: Qore Property Sciences  
Attention: Ms. Kristy Smedley  
4291 Highway 58, Suite 101  
Chattanooga, Tennessee 37416

Location of Proposed Work: The proposed project is located at Latitude 34° 45' 24" North and Longitude 84° 56' 01" West, south of the existing Walnut Square Mall, approximately ½ mile southwest of the intersection of State Route 52 and Airport Road, in the City of Dalton, Whitfield County, Georgia. Please see the attached Site Location Plan (Figure 1) and Tax Map/Aerial Photograph (Figure 2).

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers:  
CBL Associates Properties, Inc. proposes to construct a 41,500 square foot Carmike Cinemas theater within the city limits of Dalton. The 12 screen theater will offer 2,050 seats for patrons. The theater is planned as a stand alone facility with no ancillary retail space and/or outparcels. The project will include attendant infrastructure such as surface parking areas, a storm water detention facility, and landscaped islands and buffers. Total parking proposed for the site is approximately 514 parking spaces.

The applicant states: "The proposed theater will replace the existing Carmike theater that is located within the Walnut Square Mall. The existing theater opened with the mall and was later

divided into two different areas in an effort to accommodate the increasing number of patrons. No theater in the area offers the technological advances as well as seating arrangements and theater design that patrons in surrounding cities are accustomed to today. The vacant spaces within the mall would be available for additional retail occupation, which would increase the overall use of the Walnut Square Mall. The proposed theater would also provide parking that is separate from the mall.”

Initial Field investigations revealed 2 jurisdictional streams onsite. Both systems (Little Creek and an unnamed tributary to Little Creek) were considered perennial systems. Little Creek enters the property at the northwest corner and flows southeast until it exits property at the southern boundary. The unnamed tributary to Little Creek originates from the stormwater drainage pipe at the northeast corner of the property and flows southwest until it meets at a confluence with Little Creek near the center of the site. The unnamed tributary to Little Creek is further described as having a substrate that is dominated by gravel and cobble, and a bankfull width ranging from nine to twelve feet wide. The banks of the tributary have been lined with rip-rap as a measure to accommodate stormwater flows of the adjacent Walnut Square Mall. Please refer to the jurisdictional systems located on the preferred Alternative Development Plan (Figure 4a).

The current development plan for the Dalton Carmike Cinema will require impacts to 677 linear feet of perennial stream (Unnamed tributary of Little Creek) associated with the installation of a culvert pipe and associated grading for the construction of a building pad and parking facilities. In accordance with the Savannah District’s Standard Operating Procedure (SOP) for Compensatory Mitigation, the above impacts will require a total of 3,520 stream credits as compensatory mitigation. Please see the previously mentioned preferred Alternative Development Plan for specific details of the proposed impacts.

To offset the above aquatic impacts, the applicant proposes to purchase 3,520 stream mitigation credits from the Conasauga River Mitigation Bank located in Whitfield County, Georgia. The mitigation bank is managed by the City of Dalton and is located within the service area (Hydrologic Unit Code 03150101) of the project.

## BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

## STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal

Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the Savannah District US Army Corps of Engineers, Regulatory Branch, Piedmont Branch, 1590 Adamson Parkway, Suite 200, Morrow, Georgia.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

### US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division (GAHPD) or any other interested party review the latest published version of the National Register of Historic Places (NRHP) to determine if the property has or has not any registered properties or properties listed as eligible for inclusion located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

The applicant has not completed a Phase I Cultural Resources survey for this project. USACE will review the project application and make a determination if a Phase I Cultural Resources survey is required to be in compliance with Section 106 of the National Historic Preservation Act of 1966. USACE will forward comments (along with a copy of the project application) to GAHPD for review and comment.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the

public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Savannah District, US Army Corps of Engineers, Piedmont Branch, Attention: Mr. Justin Hammonds, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the applicant's name (CBL Associates Properties, Inc.) and the application number (200700677) in your comments.

If you have any further questions concerning this matter, please contact Mr. Justin Hammonds at (770) 904-2365.

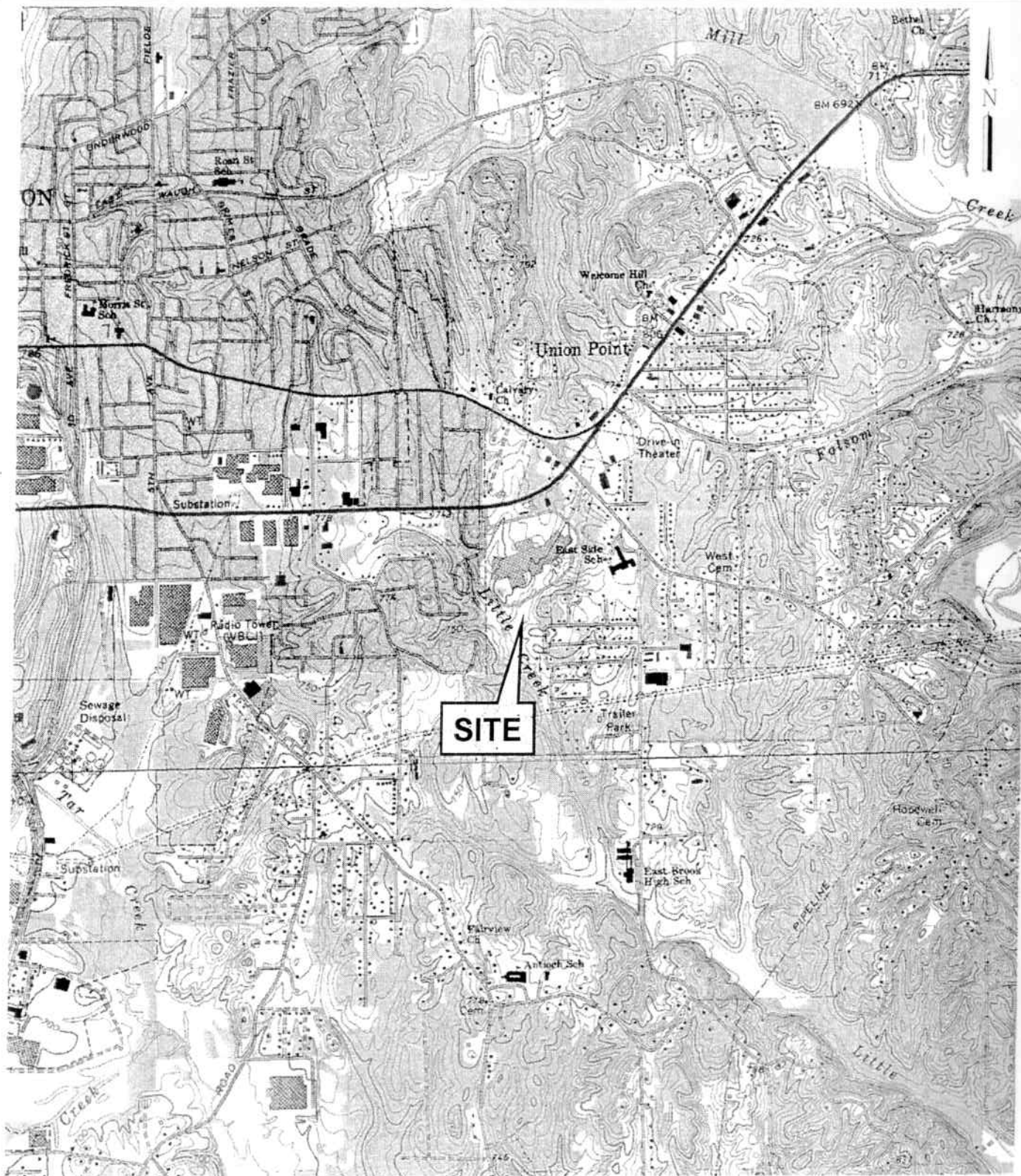
3 Enclosures

Figure 1: Site Location Plan (1 page)

Figure 2: Tax Map/Aerial Photograph (1 page)

Figure 4a: Alternative Development Plan (1 page)



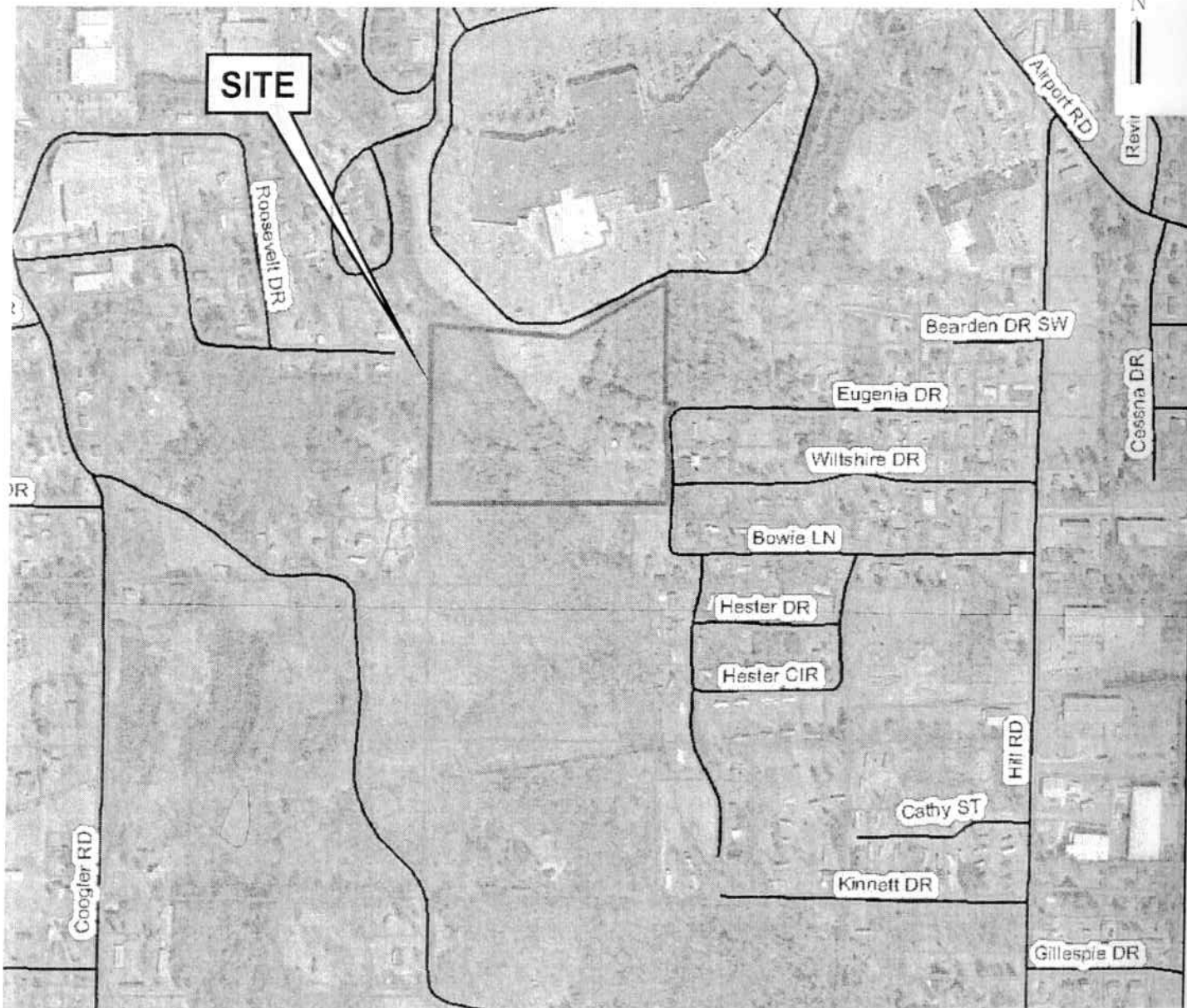


SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC MAP- DALTON NORTH, GEORGIA (1972, PHOTOREVISED 1985) AND DALTON SOUTH, GEORGIA (1972, PHOTOREVISED 1982)

DATE: 10/4/06	FILE: 06-3482EC1	DRAWN BY: KLS	CHECKED BY: BJJ	VERT. SCALE N/A	HORZ. SCALE 1"= 2000'	REPORT NO. -	PROJECT NO. 06-3482E1	FIGURE NO. 1
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SITE LOCATION PLAN  
PROPOSED CARMIKE CINEMA  
DALTON, GEORGIA



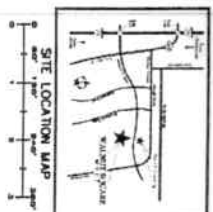
SOURCE: <http://www.whitfieldcountyga.com/Indextgis.htm>

DATE: 4-2-07	FILE: 06-3482EC1	DRAWN BY: KS	CHECKED BY: DR	VERT. SCALE N/A	HORZ. SCALE NTS	REPORT NO. -	PROJECT NO. 06-3482EC1	FIGURE NO. 2
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**QORE**<sup>TM</sup>  
PROPERTY SCIENCES

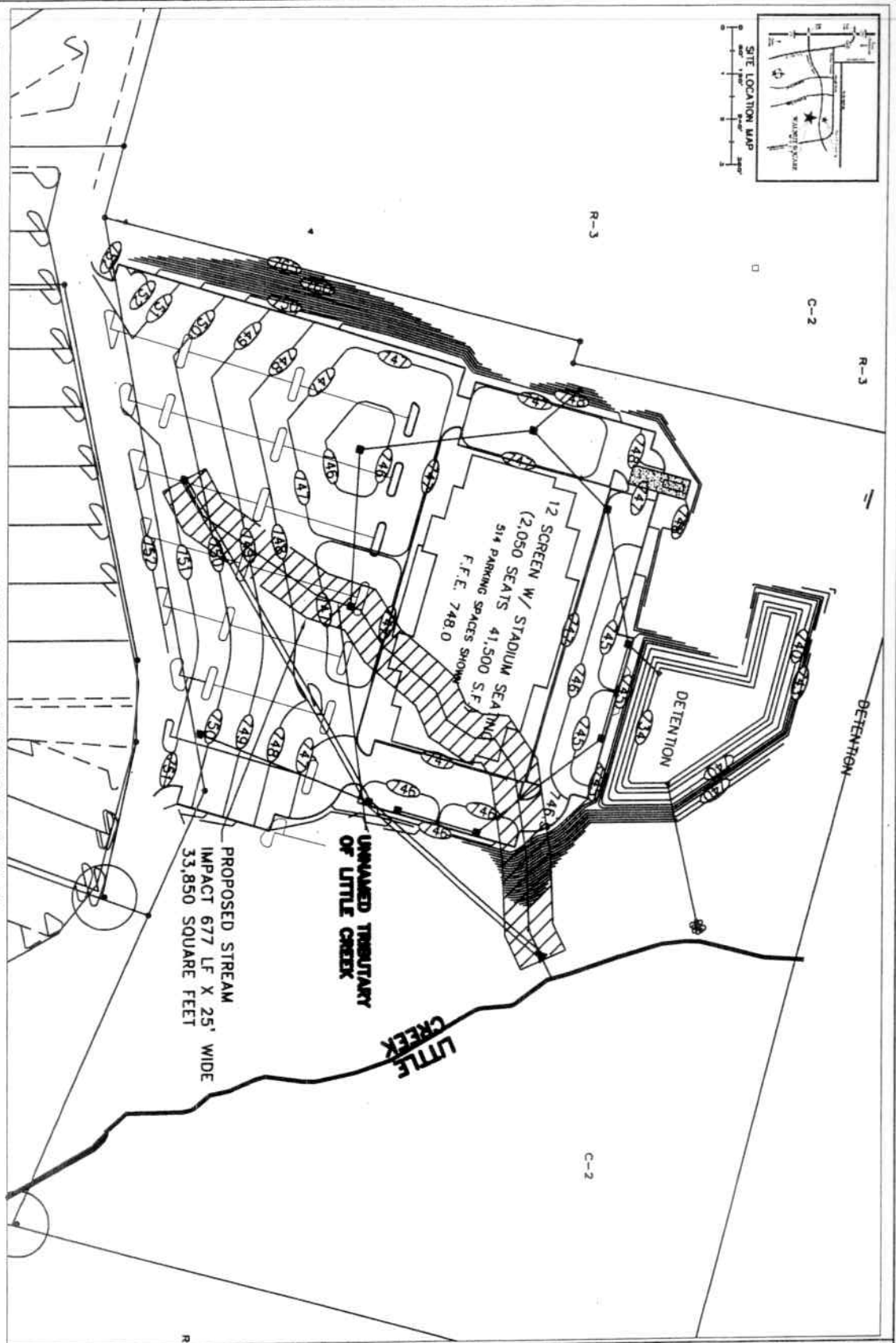
Tax Map / Aerial Photograph  
PROPOSED CARMIKE CINEMA  
DALTON, GEORGIA



ALTERNATE DEVELOPMENT PLAN #1	
TOTAL DISTURBED AREA	7.60 ACRES
LINEAR FOOTAGE OF LITTLE CREEK WITHIN THE PROPERTY	881.12 LF
LINEAR FOOTAGE OF UNPAVED TRIBUTARY TO LITTLE CREEK WITHIN THE PROPERTY	705 LF



ALTERNATE DEVELOPMENT PLAN



DATE	DATE
REVISION	REVISION
PROJECT NO.	PROJECT NO.
PROJECT NAME	PROJECT NAME

ALTERNATE DEVELOPMENT PLAN	Figure 40
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**Carmike Cinemas**  
WALNUT SQUARE MALL  
DALTON, GEORGIA

**DEVELOPER:**  
**CBL & ASSOCIATES PROPERTIES, INC.**  
3530 HAMILTON PLACE BLVD  
SUITE 200  
CHATTANOOGA, TN 37421-8000  
423-855-0000

**CIVIL ENGINEER:**  
**MILLER MCCOY, INC.**  
ENGINEERS  
615 GUNNING ROAD CHATTANOOGA, TENNESSEE 37405  
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**ALTERNATE DEVELOPMENT PLAN**